



City of Marietta

Meeting Minutes

JUDICIAL/LEGISLATIVE COMMITTEE

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Philip M. Goldstein, Chairperson
Van Pearlberg
Jim King

Wednesday, October 29, 2008

Fourth Floor Conference Room

Immediately following the Parks, Recreation and Tourism Meeting

Presiding: Philip M. Goldstein

Present: Jim King and Van Pearlberg

Also Present:

William B. Dunaway, Mayor

Annette Lewis, Council - Ward 1

Grif Chalfant, Council - Ward 2

Rev. Anthony Coleman, Council - Ward 5

William F. Bruton, Jr., City Manager

Douglas R. Haynie, City Attorney

Yvonne Williams, Deputy Clerk

CALL TO ORDER:

Chairman Philip M. Goldstein called the meeting to order at 6:07 p.m.

MINUTES:

20081197 Regular Meeting - September 24, 2008

Review and approval of the September 24, 2008 regular meeting minutes.

A motion was made by Council member King, seconded by Council member Goldstein, that this matter be Approved. The motion carried by the following vote:

Vote: 3 - 0 - 0

Approved

BUSINESS:

20080725 Ethic Committee Recommendation

Approval of an Ordinance amending Code Section 1-14-4-180 , Section 1, Advisory Opinions to read "Should the Ethics Committee not call a meeting, meet and render an opinion prior to the time discussion on the matter occurs or a vote is taken on the matter or issue, the elected official may make a written request of the City Attorney for an opinion on the matter and setting forth the facts and circumstances. The City Attorney shall render a ruling if there is or is not a conflict and/or prohibition on the elected official's participation and/or voting. The elected official shall be able to rely upon the City Attorney's ruling. If a complaint is filed against the elected official based upon the elected official's vote or participation on the matter, the Ethics Committee shall dismiss the complaint.

The Ethics Committee may review the opinion of the City Attorney. If the Ethics Committee disagrees with the ruling of the City Attorney, future participation or vote by the Elected Official would not have the protection of the City Attorney's Opinion on the stated facts."

Discussion was held. The following proposed language would be brought back to the next Judicial Legislative Committee for further discussion:

Approval of an Ordinance amending Code Section 1-14-4-180, Section 1, Advisory Opinions to read "Should the Ethics Committee not render an opinion prior to the time discussion on the matter occurs or a vote is taken on the matter or issue, the elected official may make a written request of the City Attorney for an opinion on the matter and setting forth the facts and circumstances. A copy of the written request shall also be submitted to the Ethics Committee. The City Attorney shall render a ruling if there is or is not a conflict and/or prohibition on the elected official's participation and/or voting and shall send a copy of his opinion to the members of the Ethics Committee and file a copy with the City Clerk. The elected official shall be able to rely upon the City Attorney's ruling. If a complaint is filed against the elected official based upon the elected official's vote or participation on the matter, the Ethics Committee shall dismiss the complaint.

The Ethics Committee may review the opinion of the City Attorney. If the Ethics Committee disagrees with the ruling of the City Attorney, future participation or vote by the Elected Official would not have the protection of the City Attorney's Opinion on the stated facts."

This matter was Tabled.

20081285 Quitclaim Deed

Review and approval of a Quitclaim Deed regarding certain property being purchased by Southern Polytechnic Foundation.

A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 3 - 0 - 0

Recommended for Approval - Consent Agenda

20081284 Intergovernmental Agreement with the Georgia Department of Revenue

Review and approval of the Intergovernmental Agreement with the state Department of Revenue for access to vehicle tag information by the city's vendor for the purpose of processing intersection enforcement citations.

A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 3 - 0 - 0

Recommended for Approval - Consent Agenda

20081154 Tree Ordinance

Discussion of tree ordinance and sustainability requirements as requested by Councilman Grif Chalfant.

This matter was Tabled.

20081281 Sign Ordinance

Discussion regarding electronic reader boards and off premise signs

This matter was Tabled.

20081283 2009 City of Marietta Legislative Agenda

Review of the draft agenda of the city's priorities for the 2009 Georgia General Assembly Legislative Session.

A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 3 - 0 - 0

Recommended for Approval - Consent Agenda

20081261 Ordinance 10-6-050

Review and approval of proposed changes to Ordinance 10-6 Noise, 050F Restricted Uses and Activities regarding the times of day for which personal or commercial vehicular music may not be audible from a distance of 50 feet in any direction.

A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 3 - 0 - 0

Recommended for Approval - Consent Agenda

20080863 Nuisance Abatement

Request for a discussion by Councilmember Anthony Coleman relative to nuisance abatement at the recycling center located at 311 Marble Mill Road and Allied Waste Transfer Station at 325 Marble Mill Road.

Mayor Dunaway left the conference table during the discussion on nuisance abatement.

This matter was Discussed.

Upon returning to the conference table, Mayor Dunaway disclosed that he is the owner of the property where Marietta Recycling Center is located. He did not want to interrupt the discussion.

ADJOURNMENT:

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Stephanie Guy, City Clerk

Approved: _____